

## **Model Policy: Working with Foster Parents During Allegations of Child Maltreatment**

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*Note:* The Child Protective Service Investigation Standards establish statewide policies and procedures for the investigation and assessment of allegations of child abuse or neglect. Please refer to the section entitled “Maltreatment by Foster Parent” within that document for specific procedural steps agencies are required to take when there are allegations of abuse or neglect made against a foster parent.

- I. **PURPOSE:** This policy explains how agencies should work with foster parents when there are allegations of abuse or neglect in a foster home. It emphasizes the need for clear and consistent communication during an assessment of abuse and neglect of a foster home.

Foster parents are at a higher risk for being reported for maltreating a child, though the substantiation rate for these reports is lower than that of reports in general. Working with children, birth parents, and foster parents in a respectful and supportive manner is a key part of the assessment process. Ongoing communication with foster homes by the home agency during and after an investigation or assessment is critical.

This policy does not describe or explain state and county requirements for child abuse and neglect investigations but outlines steps that should be taken with foster families as the agency proceeds with the required steps for investigating allegations of child maltreatment. For specific information about investigations, see the Child Protective Services Investigation Standards issued August 1994 and Chapter 48.981 stats.

- II. **APPLICABILITY:** This policy applies to all foster homes, treatment foster homes and licensed respite homes.
- III. **DEFINITIONS:**
1. “Foster parents” are defined, for the purposes of the CPS Investigation Standards, as individuals licensed to provide care and maintenance to children placed in their home by court order or voluntary placement agreement. Ch. HFS 56.03(15) defines a foster parent as a person with primary responsibility for the care and supervision of one or more foster children placed in his or her home and in whose name the foster home is licensed.
  2. “Home agency” is the agency that licensed the home.
  3. “Investigating agency” is the agency conducting the independent investigation.
  4. “Substantiated” means there is a preponderance of the evidence that abuse or neglect has occurred.
  5. “Unsubstantiated” means there is not a preponderance of the evidence that abuse or neglect has occurred or evidence gathered lends weight to the belief that abuse or neglect did not occur.

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### **IV. POLICY AND PROCEDURES**

1. At the time of licensure and relicensure:
  - a. When a foster home is licensed, a copy of this policy, agency-specific policy regarding allegations of child maltreatment against foster parents and the “Maltreatment by Foster Parents” section of the CPS Investigation Standards should be given to the foster parent and explained by the licensing or ongoing agency.
  - b. Foster parents should be provided with information about local foster parent associations, if any exist in the licensing county, and the Wisconsin Foster and Adoptive Parent Association (WFAPA).
  - c. At every relicensure, the licensing or ongoing agency worker should review investigation policies with the foster parent.
  - d. Alternatively, the licensing agency could provide education to foster parents regarding state and local policies for allegations of child maltreatment by foster parents at a minimum of every two years.
2. When placing a child:
  - a. Before a foster child is placed, the placing agency is required to provide the foster parents with as much information as possible about the child, his or her needs and contact information as stated in Adm. Code Ch. HFS 37 “Information to be Provided to Foster Parents.” Background information provided to the foster parents should also include a child’s history of reports of maltreatment, if applicable.
  - b. The placing agency should, in collaboration with the foster parent, identify specific strategies for the foster home to follow if an emergency or crisis arises with a foster child.
  - c. Foster parents should be reminded to review the Child Protective Services Investigation Standards, to review this policy, and to be familiar with agency procedures in the event of allegations of child maltreatment.
  - d. Agencies should encourage foster parents to express any concerns they may have regarding their ability to care for a child with special or challenging needs and request support to provide for the child’s needs.
  - e. Agencies should provide foster parents with support services to help them care for the foster child’s need and the needs of their family. Those services could include respite care, mental health services, crisis childcare or other case specific services to support the family and placement.
3. When an allegation occurs:
  - a. An agency must follow specific requirements when assessing allegations of child maltreatment against foster parents. Refer to the Child Protective Services Investigation Standards for state requirements.

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- b. An allegation does not necessarily mean that children are unsafe or must be removed from the foster home. A decision of removal needs to be based upon a thorough assessment of threats to child safety as required in the Investigation Standards. Although certain actions by foster parents may be considered rule violations, they may not result in a child being unsafe or necessitate the removal of children from the foster home.
  - c. If an assessment shows that a child needs to be removed from a foster home, the foster parent(s) and case worker should work together to allow the foster parent an opportunity to explain the situation to the foster child as long as doing so would not jeopardize the physical safety or emotional well being of the child.
- 4. During the investigation and assessment:
  - a. Before the foster parent who is the subject of the allegation is interviewed, the agency conducting the initial investigation and risk assessment must disclose the allegations to that person.
  - b. The licensing agency should provide at least one staff person for the foster family to contact for general or procedural questions about the assessment process. While the staff person cannot disclose specific details about the investigation, he or she can provide the foster family with support and procedural information about the situation and process.
  - c. The home agency contact person should clearly explain what he or she is limited to discussing with the foster parent including the need for maintaining confidentiality of an investigation and assessment. In addition, the home agency should also clearly explain to the foster parent what information must remain confidential.
  - d. The home agency should provide foster parents the opportunity to use any support services they may need, including, but not limited to, respite services or crisis services.
- 5. After the investigation:
  - a. Counties are required to notify the subject of an investigation, in this situation the foster parent, of a substantiated decision by mailing such notice postmarked no later than 21 calendar days after signed and dated approval of the decision by the assessing agency or supervising agency. The notice must include a person the foster parents can contact to request an appeal.
  - b. A foster parent substantiated for abuse or neglect has 30 calendar days from the notice of the substantiation decision to submit their request to appeal that decision, as required in DCFS Memo Series 98-14.
  - c. The home agency should schedule a meeting with the foster parent within 30 days of receiving the findings from the investigating agency to discuss the results of the assessment, status of the foster home's licensure, and any subsequent action taken by the home agency. During this meeting, foster parents should be

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provided with documentation regarding the outcome of the assessment and information as to how they can receive a copy of the full report.

- d. The meeting to discuss the allegations and findings should include the investigating agency worker if possible, either by phone or in person. The meeting should include the strengths of the foster home as well as any areas for improvement and a subsequent correction plan of action.
- e. A home agency staff person should partner with the foster home in the implementation of the corrective plan of action.
- f. Documentation of the outcomes of the corrective plan of action, including a statement or signature from the foster parents, should be placed in the foster home file and a copy provided to the foster parent.